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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,927	01/14/2004	Samuel Hanlon	04746 (3883.00043)	3736
35374	7590	06/06/2006	EXAMINER	
LEAR CORPORATION, BLISS MCGLYNN, P.C. 2075 WEST BIG BEAVER ROAD SUITE 600 TROY, MI 48084			ROSENBERG, LAURA B	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/756,927	HANLON ET AL.	
	Examiner	Art Unit	
	Laura B. Rosenberg	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-16 and 20 is/are rejected.
- 7) ☒ Claim(s) 7-9 and 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/9/05; 5/21/04</u>   | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: "triangular ribs 64" should be changed to --triangular ribs 66-- (paragraph 0024). Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 10-14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (RE37,466). Allen et al. disclose a vehicle seat assembly (including #12, 22) able to be supported on a floor pan (including #34) of a vehicle (including #10), the assembly comprising:

- Plurality of rails (including #32, 36) arranged into rail pairs, wherein at least one rail pair defines a mounting rail (for example, including #36) and a triggering rail (for example, including #32), one of the rails supported on the floor pan and the other able to support a seat cushion (including #38), the mounting rail and the triggering rail are moveably supported relative to each other (column 3, lines 44-52)
- Sensor (including #48) operatively supported by the mounting rail such that the sensor can be positioned in a first range and a second range of positions (including

#Z1, Z2, Z3) relative to the triggering rail, the sensor able to emit a magnetic field and to detect disruption of the magnetic field, wherein the sensor detects disruption of the magnetic field when the sensor is positioned in the first range of positions (for example, as explained in columns 4-5)

- Trigger point (for example, points that separate position sensing zones #Z1, Z2, Z3) that defines the first and second range of positions (column 4)
- Trigger point located at a terminal end of the triggering rail (for example, as can be seen in figure 5)
- Sensor is in electrical communication with a controller (including #42) and able to generate a first signal received by the controller when the sensor is positioned in the first range of position and a second signal received by the controller when the sensor is positioned in the second range of positions, wherein the controller controls a restraint system (including #14, 24) in a first manner when the first signal is received and in a second manner when the second signal is received (column 3, lines 31-40; column 4, lines 21-40)
- Seat cushion defines a middle (for example, top horizontal portion of seat cushion) and a side (for example, side vertical portion of seat cushion), wherein the mounting rail defines a first side (for example, top portion of mounting rail) located adjacent the middle and a second side (for example, left or right side of mounting rail) located adjacent the side, wherein the sensor is supported by the mounting rail on the first side (can be seen in figures 2-5)

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- Seat back (including #20) operatively supported relative to the seat cushion (can be seen in figures 3, 5)

Allen et al. do not specifically disclose a field effect sensor adapted to emit an electric field. However, the interchangeability of different types of sensors (for example, magnetic, electric, mechanical, optical) for similar vehicle applications is well known in the art, and thus, it would have been obvious to one skilled in the art at the time that the invention was made to modify the sensor of Allen et al. such that it comprised a field effect sensor adapted to emit an electric field as claimed.

4. Claims 1, 2, 5, 6, 11, 12, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokunaga et al. (6,683,544). Tokunaga et al. disclose a vehicle seat assembly (best seen in figure 6) able to be supported on a floor pan (not shown, but discussed in column 5, line 47) of a vehicle (not shown, but discussed in column 5, lines 21-22), the assembly comprising:

- Plurality of rails (including #12, 13) arranged into rail pairs, wherein at least one rail pair defines a mounting rail (for example, including #12) and a triggering rail (for example, including #13); one of the rails supported on the floor pan and the other able to support a seat cushion (including #11a), the mounting rail and the triggering rail are moveably supported relative to each other (column 5, lines 54-58)
- Sensor (including #S) operatively supported by the mounting rail such that the sensor can be positioned in a first range and a second range of positions (best seen in figures 8, 9) relative to the triggering rail, the sensor able to emit a magnetic field

and to detect disruption of the magnetic field, wherein the sensor detects disruption of the magnetic field when the sensor is positioned in the first range of positions (for example, as explained in columns 5-7)

- Trigger point (for example, changeover position #X and threshold value  $B_0$ ) that defines the first and second range of positions (figure 9; column 5, line 59-column 6, line 14)
- Mounting bracket (including #1g) with a first surface (for example, surface connected to #1b as seen in figure 7) and able to operatively support the sensor relative to the first surface, the mounting bracket also able to be operatively supported by the mounting rail (best seen in figure 7)
- Seat back (including #11b) operatively supported relative to the seat cushion (best seen in figure 6).

With respect to the sensor being molded to the mounting bracket, the method of forming the device is not germane to the issue of patentability. Further, the housing (#1) is a molded product, so it can be assumed that bracket (#1g) is molded to side wall (#1b).

Tokunaga et al. do not specifically disclose a field effect sensor adapted to emit an electric field. However, the interchangeability of different types of sensors (for example, magnetic, electric, mechanical, optical) for similar vehicle applications is well known in the art, and thus, it would have been obvious to one skilled in the art at the time that the invention was made to modify the sensor of Tokunaga et al. such that it comprised a field effect sensor adapted to emit an electric field as claimed.

***Allowable Subject Matter***

5. Claims 7-9 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Frusti et al., Becker et al., Becker, Reichert et al., Nishide et al., Suzuki et al., Kojima et al., Yoshida et al., Ventura et al., and Endoh et al. disclose a magnetic vehicle seat position sensor.

Heximer et al. disclose a mechanical vehicle seat position sensor.

Pinkos et al. disclose an optical vehicle seat position sensor.


Kamiji et al. and Wolfe disclose a vehicle seat position sensor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

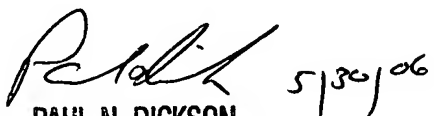
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Laura B Rosenberg  
Patent Examiner  
Art Unit 3616

LBR

 5/30/06  
PAUL N. DICKSON  
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